

HOUSE BILL No. 1484

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-1.1; IC 32-29-7-10.5; IC 33-36-3-6; IC 33-37-7-6; IC 36-2-7-10.

Synopsis: Local government fees and funds. Provides that the maximum property tax rates for county cumulative capital development funds, municipal cumulative capital development funds, and fire protection territory equipment replacement funds will no longer be adjusted each year to account for the change in assessed value that results from a reassessment or the annual adjustment of assessed values. Requires a person issued a tax deed or a sheriff's deed to file the deed for recording not more than 10 days after the date the county auditor or the sheriff issues the tax deed. Requires a county recorder to collect a recording fee set by county ordinance of at least \$5 but not more than \$150 for each tax deed or sheriff's deed that is not timely filed. Provides that the county recorder may not collect a fee for a deed that is timely filed by the sheriff. Allows a city or town with a law enforcement agency that prosecutes at least one ordinance violation in a circuit or superior court of the county to collect a share of the semiannual distribution of certain court fees. (Current law requires a city or town to prosecute at least 50% of the city's or town's ordinance violations in the circuit or superior court to receive a share of the semiannual distribution of court fees.)

Effective: July 1, 2015.

Thompson

January 14, 2015, read first time and referred to Committee on Ways and Means.



First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1484

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 6-1.1-18-12, AS AMENDED BY P.L.2-2014,
2 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 12. (a) For purposes of this section, "maximum
4 rate" refers to the maximum:
5 (1) property tax rate or rates; or
6 (2) special benefits tax rate or rates;
7 referred to in the statutes listed in subsection (d).
8 (b) The maximum rate for taxes first due and payable after 2003 is
9 the maximum rate that would have been determined under subsection
10 (e) for taxes first due and payable in 2003 if subsection (e) had applied
11 for taxes first due and payable in 2003.
12 (c) The maximum rate must be adjusted each year to account for the
13 change in assessed value of real property that results from:
14 (1) an annual adjustment of the assessed value of real property
15 under IC 6-1.1-4-4.5;



- 1 (2) a general reassessment of real property under IC 6-1.1-4-4; or
- 2 (3) a reassessment under a county's reassessment plan prepared
- 3 under IC 6-1.1-4-4.2.
- 4 (d) The statutes to which subsection (a) refers are:
- 5 (1) IC 8-10-5-17;
- 6 (2) IC 8-22-3-11;
- 7 (3) IC 8-22-3-25;
- 8 (4) IC 12-29-1-1;
- 9 (5) IC 12-29-1-2;
- 10 (6) IC 12-29-1-3;
- 11 (7) IC 12-29-3-6;
- 12 (8) IC 13-21-3-12;
- 13 (9) IC 13-21-3-15;
- 14 (10) IC 14-27-6-30;
- 15 (11) IC 14-33-7-3;
- 16 (12) IC 14-33-21-5;
- 17 (13) IC 15-14-7-4;
- 18 (14) IC 15-14-9-1;
- 19 (15) IC 15-14-9-2;
- 20 (16) IC 16-20-2-18;
- 21 (17) IC 16-20-4-27;
- 22 (18) IC 16-20-7-2;
- 23 (19) IC 16-22-14;
- 24 (20) IC 16-23-1-29;
- 25 (21) IC 16-23-3-6;
- 26 (22) IC 16-23-4-2;
- 27 (23) IC 16-23-5-6;
- 28 (24) IC 16-23-7-2;
- 29 (25) IC 16-23-8-2;
- 30 (26) IC 16-23-9-2;
- 31 (27) IC 16-41-15-5;
- 32 (28) IC 16-41-33-4;
- 33 (29) IC 20-46-2-3 (before its repeal on January 1, 2009);
- 34 (30) IC 20-46-6-5;
- 35 (31) IC 20-49-2-10;
- 36 (32) IC 36-1-19-1;
- 37 (33) IC 23-14-66-2;
- 38 (34) IC 23-14-67-3;
- 39 (35) IC 36-7-13-4;
- 40 (36) IC 36-7-14-28;
- 41 (37) IC 36-7-15.1-16;
- 42 ~~(38) IC 36-8-19-8.5;~~



1 ~~(39)~~ **(38)** IC 36-9-6.1-2;
 2 ~~(40)~~ **(39)** IC 36-9-17.5-4;
 3 ~~(41)~~ **(40)** IC 36-9-27-73;
 4 ~~(42)~~ **(41)** IC 36-9-29-31;
 5 ~~(43)~~ **(42)** IC 36-9-29.1-15;
 6 ~~(44)~~ **(43)** IC 36-10-6-2;
 7 ~~(45)~~ **(44)** IC 36-10-7-7;
 8 ~~(46)~~ **(45)** IC 36-10-7-8;
 9 ~~(47)~~ **(46)** IC 36-10-7.5-19;
 10 ~~(48)~~ **(47)** IC 36-10-13-5;
 11 ~~(49)~~ **(48)** IC 36-10-13-7;
 12 ~~(50)~~ **(49)** IC 36-10-14-4;
 13 ~~(51)~~ **(50)** IC 36-12-7-7;
 14 ~~(52)~~ **(51)** IC 36-12-7-8;
 15 ~~(53)~~ **(52)** IC 36-12-12-10;
 16 ~~(54)~~ **(53)** **except as provided in subsection (i)**, a statute listed in
 17 IC 6-1.1-18.5-9.8; and
 18 ~~(55)~~ **(54)** any statute enacted after December 31, 2003, that:
 19 (A) establishes a maximum rate for any part of the:
 20 (i) property taxes; or
 21 (ii) special benefits taxes;
 22 imposed by a political subdivision; and
 23 (B) does not exempt the maximum rate from the adjustment
 24 under this section.
 25 (e) For property tax rates imposed for property taxes first due and
 26 payable after December 31, 2013, the new maximum rate under a
 27 statute listed in subsection (d) is the tax rate determined under STEP
 28 EIGHT of the following STEPS:
 29 STEP ONE: Except as provided in subsection (g), determine the
 30 maximum rate for the political subdivision levying a property tax
 31 or special benefits tax under the statute for the previous calendar
 32 year.
 33 STEP TWO: Determine the actual percentage change (rounded to
 34 the nearest one-hundredth percent (0.01%)) in the assessed value
 35 of the taxable property from the previous calendar year to the year
 36 in which the affected property taxes will be imposed.
 37 STEP THREE: Determine the three (3) calendar years that
 38 immediately precede the year in which the affected property taxes
 39 will be imposed.
 40 STEP FOUR: Compute separately, for each of the calendar years
 41 determined in STEP THREE, the actual percentage change
 42 (rounded to the nearest one-hundredth percent (0.01%)) in the



assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the preceding year.

STEP FIVE: Divide the sum of the three (3) quotients computed in STEP FOUR by three (3).

STEP SIX: Determine the greater of the following:

(A) Zero (0).

(B) The STEP FIVE result.

STEP SEVEN: Determine the greater of the following:

(A) Zero (0).

(B) The result of the STEP TWO percentage minus the STEP SIX percentage, if any.

STEP EIGHT: Determine the quotient of the STEP ONE tax rate divided by the sum of one (1) plus the STEP SEVEN percentage, if any.

(f) The department of local government finance shall compute the maximum rate allowed under subsection (e) and provide the rate to each political subdivision with authority to levy a tax under a statute listed in subsection (d).

(g) This subsection applies only when calculating the maximum rate for taxes due and payable in calendar year 2013. The STEP ONE result is the greater of the following:

(1) The actual maximum rate established for property taxes first due and payable in calendar year 2012.

(2) The maximum rate that would have been established for property taxes first due and payable in calendar year 2012 if the maximum rate had been established under the formula under this section, as amended in the 2012 session of the general assembly.

(h) This subsection applies only when calculating the maximum rate allowed under subsection (e) for the Vincennes Community School Corporation with respect to property taxes first due and payable in 2014. The subsection (e) STEP ONE result for the school corporation's capital projects fund is nineteen and forty-two hundredths cents (\$0.1942).

(i) For property taxes first due and payable after 2015, the maximum tax rate under the following statutes shall not be adjusted under this section or any other law for a change in assessed value of real property that results from an annual adjustment of assessed value under IC 6-1.1-4-4.5, a general reassessment of real property under IC 6-1.1-4-4, or a reassessment under a county's reassessment plan prepared under IC 6-1.1-4-4.2:

(1) IC 36-9-14.5-6 (county cumulative capital development



1 fund).

2 (2) IC 36-9-15.5-6 (municipal cumulative capital development
3 fund).

4 (3) IC 36-8-19-8.5 (fire protection territory equipment
5 replacement fund).

6 SECTION 2. IC 6-1.1-25-4.4 IS ADDED TO THE INDIANA
7 CODE AS NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2015]: Sec. 4.4. (a) This section applies only to a person
9 that is issued a tax deed by the county auditor under this chapter.
10 This section does not apply to a tax deed issued to a political
11 subdivision.

12 (b) A tax deed shall be filed with the county recorder for
13 recording not later than ten (10) days after the date the tax deed is
14 issued. If a tax deed is filed with the county recorder for recording
15 after the ten (10) day period, the tax deed is not timely filed, and
16 the county recorder shall charge and collect the recording fee
17 under IC 36-2-7-10(b)(7)(B)(ii).

18 SECTION 3. IC 32-29-7-10.5 IS ADDED TO THE INDIANA
19 CODE AS A NEW SECTION TO READ AS FOLLOWS
20 [EFFECTIVE JULY 1, 2015]: Sec. 10.5. (a) This section applies only
21 to a sheriff's deed that meets both of the following requirements:

22 (1) The deed is issued by the sheriff to a purchaser of real
23 property at a foreclosure sale under this chapter.

24 (2) The deed is filed with the county recorder for recording by
25 a person other than the sheriff.

26 (b) A sheriff's deed shall be filed with the county recorder for
27 recording not later than ten (10) days after the date the sheriff's
28 deed is issued. If a sheriff's deed is filed with the county recorder
29 for recording after the ten (10) day period, the sheriff's deed is not
30 timely filed, and the county recorder shall charge and collect the
31 recording fee under IC 36-2-7-10(b)(7)(B)(ii).

32 SECTION 4. IC 33-36-3-6, AS AMENDED BY P.L.1-2010,
33 SECTION 134, IS AMENDED TO READ AS FOLLOWS
34 [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) An ordinance violation
35 admitted under this article does not constitute a judgment for the
36 purposes of IC 33-37. An ordinance violation costs fee may not be
37 collected from the defendant under IC 33-37-4.

38 (b) An ordinance violation processed under this chapter may not be
39 considered for the purposes of IC 33-37-7-6 when determining the
40 percentage of ordinance violations prosecuted in certain courts.

41 SECTION 5. IC 33-37-7-6, AS AMENDED BY P.L.201-2011,
42 SECTION 102, IS AMENDED TO READ AS FOLLOWS



[EFFECTIVE JULY 1, 2015]: Sec. 6. (a) The qualified municipality share to be distributed to each city and town maintaining a law enforcement agency that prosecutes at least ~~fifty percent (50%)~~ **one (1)** of the city's or town's ordinance violations in a circuit or superior court located in the county is three percent (3%) of the amount of fees collected under the following:

- (1) IC 33-37-4-1(a) (criminal costs fees).
- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-37-4-3(a) (juvenile costs fees).
- (4) IC 33-37-4-4(a) (civil costs fees).
- (5) IC 33-37-4-6(a)(1) (small claims costs fees).
- (6) IC 33-37-4-7(a) (probate costs fees).
- (7) IC 33-37-5-17 (deferred prosecution fees).

(b) The county auditor shall determine the amount to be distributed to each city and town qualified under subsection (a) as follows:

STEP ONE: Determine the population of the qualified city or town.

STEP TWO: Add the populations of all qualified cities and towns determined under STEP ONE.

STEP THREE: Divide the population of each qualified city and town by the sum determined under STEP TWO.

STEP FOUR: Multiply the result determined under STEP THREE for each qualified city and town by the amount of the qualified municipality share.

(c) The county auditor shall distribute semiannually to each city and town described in subsection (a) the amount computed for that city or town under STEP FOUR of subsection (b).

(d) This section applies after ~~June 30, 2005~~; **June 30, 2015**.

SECTION 6. IC 36-2-7-10, AS AMENDED BY P.L.125-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. (a) The county recorder shall tax and collect the fees prescribed by this section for recording, filing, copying, and other services the recorder renders, and shall pay them into the county treasury at the end of each calendar month. The fees prescribed and collected under this section supersede all other recording fees required by law to be charged for services rendered by the county recorder.

(b) The county recorder shall charge the following:

- (1) Six dollars (\$6) for the first page and two dollars (\$2) for each additional page of any document the recorder records if the pages are not larger than eight and one-half (8 1/2) inches by fourteen (14) inches.
- (2) Fifteen dollars (\$15) for the first page and five dollars (\$5) for



each additional page of any document the recorder records, if the pages are larger than eight and one-half (8 1/2) inches by fourteen (14) inches.

(3) For attesting to the release, partial release, or assignment of any mortgage, judgment, lien, or oil and gas lease contained on a multiple transaction document, the fee for each transaction after the first is the amount provided in subdivision (1) plus the amount provided in subdivision (4) and one dollar (\$1) for marginal mortgage assignments or marginal mortgage releases.

(4) One dollar (\$1) for each cross-reference of a recorded document.

(5) One dollar (\$1) per page not larger than eight and one-half (8 1/2) inches by fourteen (14) inches for furnishing copies of records and two dollars (\$2) per page that is larger than eight and one-half (8 1/2) inches by fourteen (14) inches.

(6) Five dollars (\$5) for acknowledging or certifying to a document.

(7) ~~Five dollars (\$5)~~ **A fee for each deed the recorder records as follows:**

(A) Except as provided in clause (B), the fee for recording a deed is five dollars (\$5), in addition to other fees for deeds.

(B) This clause applies only to a tax deed under IC 6-1.1-25-4.4 or a sheriff's deed under IC 32-29-7-10.5. The recorder shall collect the following fee for recording a deed under IC 6-1.1-25-4.4 or IC 32-29-7-10.5, in addition to other fees for deeds:

(i) Five dollars (\$5) if the deed is timely filed. However the county recorder may not collect a fee for a deed that is timely filed by the sheriff.

(ii) A fee in an amount set by ordinance of the county legislative body of not less than five dollars (\$5) but not more than one hundred fifty dollars (\$150), if the deed is not timely filed;

The fees are collected for the county surveyor's corner perpetuation fund for use as provided in IC 21-47-3-3 or IC 36-2-12-11(e).

(8) A fee in an amount authorized under IC 5-14-3-8 for transmitting a copy of a document by facsimile machine.

(9) A fee in an amount authorized by an ordinance adopted by the county legislative body for duplicating a computer tape, a computer disk, an optical disk, microfilm, or similar media. This fee may not cover making a handwritten copy or a photocopy or



using xerography or a duplicating machine.

(10) A supplemental fee of three dollars (\$3) for recording a document that is paid at the time of recording. The fee under this subdivision is in addition to other fees provided by law for recording a document.

(11) Three dollars (\$3) for each mortgage on real estate recorded, in addition to other fees required by this section, distributed as follows:

(A) Fifty cents (\$0.50) is to be deposited in the recorder's record perpetuation fund.

(B) Two dollars and fifty cents (\$2.50) is to be distributed to the auditor of state on or before June 20 and December 20 of each year as provided in IC 24-9-9-3.

(12) This subdivision applies in a county only if at least one (1) unit in the county has established an affordable housing fund under IC 5-20-5-15.5 and the county fiscal body adopts an ordinance authorizing the fee described in this subdivision. An ordinance adopted under this subdivision may authorize the county recorder to charge a fee of:

(A) two dollars and fifty cents (\$2.50) for the first page; and

(B) one dollar (\$1) for each additional page;
of each document the recorder records.

(13) This subdivision applies in a county containing a consolidated city that has established a housing trust fund under IC 36-7-15.1-35.5(e). The county fiscal body may adopt an ordinance authorizing the fee described in this subdivision. An ordinance adopted under this subdivision may authorize the county recorder to charge a fee of:

(A) two dollars and fifty cents (\$2.50) for the first page; and

(B) one dollar (\$1) for each additional page;
of each document the recorder records.

(c) The county recorder shall charge a two dollar (\$2) county identification security protection fee for recording or filing a document. This fee shall be deposited under IC 36-2-7.5-6.

(d) The county treasurer shall establish a recorder's records perpetuation fund. All revenue received under section 10.1 of this chapter, subsection (b)(5), (b)(8), (b)(9), and (b)(10), and IC 36-2-7.5-6(b)(1), and fifty cents (\$0.50) from revenue received under subsection (b)(11), shall be deposited in this fund. Except as provided in section 10.2 of this chapter, the county recorder may use any money in this fund without appropriation for:

(1) the preservation of records; and



(2) the improvement of record keeping systems and equipment; within the control of the county recorder. Money from the fund may not be deposited or transferred into the county general fund and does not revert to the county general fund at the end of a fiscal year.

(e) As used in this section, "record" or "recording" includes the functions of recording, filing, and filing for record.

(f) The county recorder shall post the fees set forth in subsection (b) in a prominent place within the county recorder's office where the fee schedule will be readily accessible to the public.

(g) The county recorder may not tax or collect any fee for:

(1) recording an official bond of a public officer, a deputy, an appointee, or an employee; or

(2) performing any service under any of the following:

(A) IC 6-1.1-22-2(c).

(B) IC 8-23-7.

(C) IC 8-23-23.

(D) IC 10-17-2-3.

(E) IC 10-17-3-2.

(F) IC 12-14-13.

(G) IC 12-14-16.

(h) The state and its agencies and instrumentalities are required to pay the recording fees and charges that this section prescribes.

(i) This subsection applies to a county other than a county containing a consolidated city. The county treasurer shall distribute money collected by the county recorder under subsection (b)(12) as follows:

(1) Sixty percent (60%) of the money collected by the county recorder under subsection (b)(12) shall be distributed to the units in the county that have established an affordable housing fund under IC 5-20-5-15.5 for deposit in the fund. The amount to be distributed to a unit is the amount available for distribution multiplied by a fraction. The numerator of the fraction is the population of the unit. The denominator of the fraction is the population of all units in the county that have established an affordable housing fund. The population to be used for a county that establishes an affordable housing fund is the population of the county outside any city or town that has established an affordable housing fund.

(2) Forty percent (40%) of the money collected by the county recorder under subsection (b)(12) shall be distributed to the treasurer of state for deposit in the affordable housing and community development fund established under IC 5-20-4-7 for



1 the purposes of the fund.

2 Money shall be distributed under this subsection before the sixteenth
3 day of the month following the month in which the money is collected
4 from the county recorder.

5 (j) This subsection applies to a county described in subsection
6 (b)(13). The county treasurer shall distribute money collected by the
7 county recorder under subsection (b)(13) as follows:

8 (1) Sixty percent (60%) of the money collected by the county
9 recorder under subsection (b)(13) shall be deposited in the
10 housing trust fund established under IC 36-7-15.1-35.5(e) for the
11 purposes of the fund.

12 (2) Forty percent (40%) of the money collected by the county
13 recorder under subsection (b)(13) shall be distributed to the
14 treasurer of state for deposit in the affordable housing and
15 community development fund established under IC 5-20-4-7 for
16 the purposes of the fund.

17 Money shall be distributed under this subsection before the sixteenth
18 day of the month following the month in which the money is collected
19 from the county recorder.

